

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Joseph Kaplan,

Civil No. 09-390 (DWF/FLN)

Plaintiff,

v.

ORDER

Olga Abramovich, et al.,

Defendants.

Joseph Kaplan, *Pro Se*, Plaintiff.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated February 26, 2009, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Plaintiff's "Application To Proceed Without Prepayment Of Fees And Affidavit," (Doc. No. 2), is **DENIED**.

2. This action is summarily **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

Dated: March 26, 2009

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court